

**REMARKS**

Claims 2, 3, 5, 7, 9, 10, 12, 14, 15, 17, 18, and 21 are pending in this application.

Applicants have amended claims 2, 3, 5, 9, 10, 12, 15, 17, 18, and 21, and have canceled claims 1, 4, 6, 8, 11, 13, 16, 19, and 20. These changes do not introduce any new matter.

**Rejection Under 35 U.S.C. § 101**

Applicants respectfully request reconsideration of the rejection of claims 15 and 16 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (as noted above, claim 16 has been canceled herein). Applicants have amended claim 15 to define a computer-readable storage medium having a print control program stored thereon. Accordingly, Applicants submit that claim 15 now defines statutory subject matter under 35 U.S.C. § 101, and request that the rejection of this claim thereunder be withdrawn.

**Rejection Under 35 U.S.C. § 102**

Applicants respectfully request reconsideration of the rejection of claims 1-5, 7-12, and 14-20 under 35 U.S.C. § 102(b) as being anticipated by *Hower, Jr. et al.* (“*Hower*”) (US 5,467,434) (as noted above, claims 1, 4, 8, 11, 16, 19, and 20 have been canceled herein). As will be explained in more detail below, the *Hower* reference does not disclose each and every feature of independent claims 2, 9, 15, 17, and 18, as amended herein.

Applicants have amended each of independent claims 2, 9, 15, 17, and 18 to specify features that are not disclosed in the *Hower* reference. In particular, Applicants have amended claim 2 to define a print control apparatus that includes, among other features, a formatted print list creation unit, a print condition setup unit, and a printer driver. The formatted print list creation unit extracts only formatted prints containing required printing conditions executable by the printer used for printing out of a plurality of formatted prints that is respectively composed of required printing conditions and optional printing conditions, and

displays a list of the extracted formatted prints on a display. The print condition setup unit sets the optional printing conditions of the formatted print selected from the list within a range of capability of the printer used for printing by referring to the printer capability data of the model that is acquired by the printer acquiring unit. The printer driver allows the printer used for printing to perform printing under the required print conditions of the formatted print selected from the list and the optional printing conditions set by the print condition setup unit. The *Hower* reference does not disclose the above-listed features of the print control apparatus specified in present claim 2.

Applicants have amended each of independent claims 9, 15, 17, and 18 along the same lines that claim 2 has been amended. As such, the *Hower* reference also does not disclose each and every feature of present claims 9, 15, 17, and 18.

Accordingly, for at least the foregoing reasons, independent claims 2, 9, 15, 17, and 18, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Hower*. Claims 3, 5, and 7, each of which depends from claim 2, and claims 10, 12, and 14, each of which depends from claim 9, are likewise patentable under 35 U.S.C. § 102(b) over *Hower* for at least the same reasons set forth above regarding the applicable independent claim.

#### Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 6, 13, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Hower* in view of *Sasaki* (US 5,228,118) (as noted above, claims 6 and 13 have been canceled herein). As will be explained in more detail below, the combination of *Hower* in view of *Sasaki* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claim 21, as amended herein.

Applicants have amended independent claim 21 to define an image processing computer that includes, among other features, a formatted print list creation module, a print

condition setup module, and a printer driver. The functionality of these elements is the same as set forth above with regard to claim 2, which defines a print control apparatus including, among other features, a formatted print list creation unit, a print condition setup unit, and a printer driver. Thus, for at least the same reasons set forth above with regard to claim 2, the *Hower* reference does not disclose each and every feature of present claim 21.

The *Sasaki* reference does not cure the deficiencies of the *Hower* reference relative to the subject matter defined in present claim 21. Moreover, the *Sasaki* reference does not disclose or suggest a print capability data storage module as specified in present claim 21. This print capability data storage module acquires printer capability data by issuing an inquiry to a printer driver to control the printer and stores the printer capability data of each model of printer. The *Sasaki* reference discloses a “printing device” and a “data processor device” (see Figure 1). The data processor device includes an “inquiring means” and a “printer driver.” The inquiring means sends an inquiry signal to the printing device to ask the printing device to send back to the data processing device interpreter-identification data (see Figure 1 and column 3, lines 1-10). As such, the *Sasaki* reference neither discloses nor suggests sending an inquiry signal to the *printer driver* as in the claimed subject matter.

In view of the foregoing, even if the *Hower* and *Sasaki* references were to be combined in the manner proposed by the Examiner, the result of the combination would not have been an image processing computer having each and every feature specified in present claim 21. As such, the combination of *Hower* in view of *Sasaki* does not raise a *prima facie* case of obviousness against the subject matter defined in present claim 21.

Accordingly, independent claim 21, as amended herein, is patentable under 35 U.S.C. § 103(a) over the combination of *Hower* in view of *Sasaki*.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 2, 3, 5, 7, 9, 10, 12, 14, 15, 17, 18, and 21, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. YOKOP030).

Respectfully submitted,  
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